February 8, 2013

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph Franz, Senior Hazardous Material Specialist and Facility Contact
Nancy Spong, Facility Operator Contact
California Department of Corrections & Rehabilitation – Folsom State Prison
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Represa, CA 95671

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Michael E. Knowles, Facility Operator Contact
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Jeffrey Beard, Secretary of California Department of Corrections & Rehabilitation
Office of Legal Affairs, Agent for Service of Process
1515 S St., Ste. 314 South
Sacramento, CA 95811

Re: Notice of Violations and Intent to File Suit Under the Federal Water Pollution Control Act

Dear Messrs. Franz, Beard, Knowles and Ms. Spong:

I am writing on behalf of the California Sportfishing Protection Alliance ("CSPA") in regard to violations of the Clean Water Act ("the Act") occurring at the California Department of Corrections & Rehabilitation, Folsom State Prison ("Folsom") facility, located at 100 Prison Road #300 in Represa, California ("the Facility"). The

WDID identification number for the Facility is 5S34I001227. CSPA is a non-profit public benefit corporation dedicated to the preservation, protection and defense of the environment, wildlife and natural resources of the American River, the Sacramento River, the Sacramento-San Joaquin River Delta and other California waters and the Pacific Ocean. This letter is being sent to you as the responsible owner, officer, or operator of the Facility. Unless otherwise noted, the California Department of Corrections & Rehabilitation, Joseph Franz, Jeffrey Beard, Michael E. Knowles and Nancy Spong shall hereinafter be collectively referred to as Folsom.

This letter addresses Folsom's unlawful discharges of pollutants from the Facility to the American River, which flows into the Sacramento River and the Sacramento-San Joaquin Delta. This letter addresses the ongoing violations of the substantive and procedural requirements of the Clean Water Act and National Pollutant Discharge Elimination System ("NPDES") General Permit No. CAS000001, State Water Resources Control Board Water Quality Order No. 91-13-DWQ, as amended by Order No. 97-03-DWQ ("General Permit" or "General Industrial Storm Water Permit").

Section 505(b) of the Clean Water Act provides that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)), a citizen must give notice of intent to file suit. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("the EPA"), and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, California Department of Corrections & Rehabilitation, Joseph Franz, Jeffrey Beard, Michael E. Knowles and Nancy Spong are hereby placed on formal notice by CSPA that, after the expiration of sixty (60) days from the date of this Notice of Violation and Intent to File Suit, CSPA intends to file suit in federal court against California Department of Corrections & Rehabilitation, Joseph Franz, Jeffrey Beard, Michael E. Knowles and Nancy Spong under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the General Permit. These violations are described more fully below.

I. Background.

Folsom owns and operates a prison facility located in Represa, California. The Facility falls under Standard Industrial Classification ("SIC") Code 3499 ("Fabricated Metal Products, Not Elsewhere Classified"), 3711 ("Motor Vehicles and Passenger Car Bodies") and 2759 ("Commercial Printing, Not Elsewhere Classified"). The sampling parameters Folsom is required to sample for are as follows: Total Suspended Solids, Specific Conductance, pH, Oil & Grease or Total Organic Carbon, Iron, Zinc, Nitrate + Nitrite as Nitrogen, and Aluminum. The Facility is primarily used to house California State Prison inmates. It includes areas devoted to fabricated metal parts, vehicle maintenance, and commercial printing, activities which require the Facility to handle,

store, manufacture and transport manufactured metal, vehicle, and printing parts and related materials. Other activities at the Facility include the use and storage of heavy machinery and motorized vehicles, including trucks used to haul materials to, from and within the Facility.

Folsom discharges storm water from its approximately 1200-acre Facility through at least one (7) discharge points into the American River, which flows into the Sacramento River and the Sacramento-San Joaquin Delta. The Delta and its tributaries are waters of the United States within the meaning of the Clean Water Act.

The Central Valley Regional Water Quality Control Board ("Regional Board" or "Board") has established water quality standards for the American River, Sacramento River and the Delta in the "Water Quality Control Plan for the Sacramento River and San Joaquin River Basins," generally referred to as the Basin Plan. The Basin Plan includes a narrative toxicity standard which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life." For the Delta, the Basin Plan establishes standards for several metals, including (at a hardness of 40 mg/L): arsenic – 0.01 mg/L; copper – 0.01 mg/L; iron – 0.3 mg/L; and zinc – 0.1 mg/L. *Id.* at III-3.00, Table IIII-1. The Basin Plan states that "[a]t a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain lead in excess of 0.015 mg/L." *Id.* at III-3.00. The Basin Plan also provides that "[t]he pH shall not be depressed below 6.5 nor raised above 8.5." *Id.* at III-6.00. The Basin Plan also prohibits the discharges of oil and grease, stating that "[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses." *Id.* at III-5.00.

The Basin Plan also provides that "[a]t a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs)." *Id.* at III-3.0. The EPA has issued a recommended water quality criterion for aluminum for freshwater aquatic life protection of 0.087 mg/L. EPA has established a secondary MCL, consumer acceptance limit for aluminum of 0.05 mg/L to 0.2 mg/L. EPA has established a secondary MCL, consumer acceptance limit for zinc of 5.0 mg/L. EPA has established a primary MCL, consumer acceptance limit for the following: chromium – 0.1 mg/L; copper – 1.3 mg/L; and lead – 0.0 (zero) mg/L. *See* http://www.epa.gov/safewater/mcl.html. The California Department of Health Services has also established the following MCL, consumer acceptance levels: aluminum – 1 mg/L (primary) and 0.2 mg/L (secondary); chromium – 0.5 mg/L (primary); copper – 1.0 mg/L (secondary); iron – 0.3 mg/L; and zinc – 5.0 mg/L. *See* California Code of Regulations, title 22, §§ 64431, 64449.

EPA has also issued numeric receiving water limits for certain toxic pollutants in California surface waters, commonly known as the California Toxics Rule ("CTR"). 40 CFR § 131.38. The CTR establishes the following numeric limits for freshwater surface

waters: arsenic – 0.34 mg/L (maximum concentration) and 0.150 mg/L (continuous concentration); chromium (III) – 0.550 mg/L (maximum concentration) and 0.180 mg/L (continuous concentration); copper – 0.013 mg/L (maximum concentration) and 0.009 mg/L (continuous concentration); lead – 0.065 mg/L (maximum concentration) and 0.0025 mg/L (continuous concentration).

The Regional Board has also identified waters of the Delta as failing to meet water quality standards for unknown toxicity, electrical conductivity, numerous pesticides and mercury. *See* http://www.swrcb.ca.gov/tmdl/docs/2002reg5303dlist.pdf. Discharges of listed pollutants into an impaired surface water may be deemed a "contribution" to the exceedance of CTR, a water quality standard, and may indicate a failure on the part of a discharger to implement adequate storm water pollution control measures. *See Waterkeepers Northern Cal. v. Ag Indus. Mfg., Inc.*, 375 F.3d 913, 918 (9th Cir. 2004); *see also Waterkeepers Northern Cal. v. Ag Indus. Mfg., Inc.*, 2005 WL 2001037 at *3, 5 (E.D. Cal., Aug. 19, 2005) (finding that a discharger covered by the General Industrial Storm Water Permit was "subject to effluent limitation as to certain pollutants, including zinc, lead, copper, aluminum and lead" under the CTR).

The General Permit incorporates benchmark levels established by EPA as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT"). The following benchmarks have been established for pollutants likely discharged by Folsom: aluminum – 0.75 mg/L; pH— 6.0 – 9.0; iron – 1.0 mg/L; copper – 0.0636 mg/L; lead – 0.0816 mg/L; beryllium 0.13 mg/L; total suspended solids – 100.0 mg/L; nitrate + nitrite 0.68 mg/L; and zinc – 0.117 mg/L. The State Water Quality Control Board has also proposed adding a benchmark level for specific conductance, 200 µmhos/cm. Additional EPA benchmark levels have been established for other parameters that CSPA believes are being discharged from the Facility, including but not limited to, magnesium – 0.0636 mg/L and manganese – 1.0 mg/L.

II. Folsom Is Violating the Act by Discharging Pollutants From the Facility to Waters of the United States.

Under the Act, it is unlawful to discharge pollutants from a "point source" to navigable waters without obtaining and complying with a permit governing the quantity and quality of discharges. *Trustees for Alaska v. EPA*, 749 F.2d 549, 553 (9th Cir. 1984). Section 301(a) of the Clean Water Act prohibits "the discharge of any pollutants by any person . . ." except as in compliance with, among other sections of the Act, Section 402, the NPDES permitting requirements. 33 U.S.C. § 1311(a). The duty to apply for a permit extends to "[a]ny person who discharges or proposes to discharge pollutants. . . ." 40 C.F.R. § 122.30(a).

The term "discharge of pollutants" means "any addition of any pollutant to navigable waters from any point source." 33 U.S.C. § 1362(12). Pollutants are defined

to include, among other examples, a variety of metals, chemical wastes, biological materials, heat, rock, and sand discharged into water. 33 U.S.C. § 1362(6). A point source is defined as "any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, [or] conduit . . . from which pollutants are or may be discharged." 33 U.S.C. § 1362(14). An industrial facility that discharges pollutants into a navigable water is subject to regulation as a "point source" under the Clean Water Act. *Comm. to Save Mokelumne River v. East Bay Mun. Util. Dist.*, 13 F.3d 305, 308 (9th Cir. 1993). "Navigable waters" means "the waters of the United States." 33 U.S.C. § 1362(7). Navigable waters under the Act include man-made waterbodies and any tributaries or waters adjacent to other waters of the United States. *See Headwaters, Inc. v Talent Irrigation Dist.*, 243 F.3d 526, 533 (9th Cir. 2001).

The American River, Sacramento River and its tributaries and the Pacific Ocean are waters of the United States. Accordingly, Folsom's discharges of storm water containing pollutants from the Facility are discharges to waters of the United States.

CSPA is informed and believes, and thereupon alleges, that Folsom has discharged and is discharging pollutants from the Facility to waters of the United States every day that there has been or will be any measurable flow of water from the Facility since February 8, 2008. Each discharge on each separate day is a separate violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a). These unlawful discharges are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Folsom is subject to penalties for violations of the Act since February 8, 2008.

III. Pollutant Discharges in Violation of the NPDES Permit.

Folsom has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit such as the General Permit. 33 U.S.C. § 1342. The General Permit prohibits any discharges of storm water associated with industrial activities that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants are TSS, Oil & Grease ("O&G"), pH, biochemical oxygen demand ("BOD"), and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

Further, Discharge Prohibition A(1) of the General Permit provides: "Except as allowed in Special Conditions (D.1.) of this General Permit, materials other than storm water (non-storm water discharges) that discharge either directly or indirectly to waters of the United States are prohibited. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit." Special Conditions D(1) of the

General Permit sets forth the conditions that must be met for any discharge of non-storm water to constitute an authorized non-storm water discharge.

Receiving Water Limitation C(1) of the General Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan.

As recently as April 13, 2012, the Regional Water Quality Control Board, Region 5, sent Folsom an 13267 Order ("the 13267 Order") conveying its conclusion that, among other things, Folsom's 2010-2011 Annual Report contained evidence that the BMPs then in effect were not sufficient to reduce pollutant concentrations below EPA benchmark levels. The 13267 Order informed Folsom that its 2010-2011 Annual Report indicated storm water samples in excess of US EPA benchmark values for certain parameters. Based on this evidence, the Board ordered Folsom to: (1) Review previously submitted Annual Reports and identify the number of consecutive years that the Facility has exceeded benchmark levels; (2) Identify sources of pollutants at the Facility that contributed to the exceedances; (3) Review current BMPs; (4) Modify existing BMPs or implement additional BMPs to reduce or eliminate discharge of pollutants; and (5) modify the SWPPP and Monitoring Plan for the Facility and maintain a copy of these required documents at the Facility. Finally, the Board ordered Folsom to respond to these concerns by providing the Board a written response by no later than May 14, 2012.

Based on its review of available public documents, CSPA is informed and believes: (1) that Folsom continues to discharge pollutants in excess of benchmarks, (2) that Folsom continues to fail to sample for parameters required by the General Permit, and (3) that Folsom has failed to implement BMPs adequate to bring its discharge of these and other pollutants in compliance with the General Permit. Folsom's ongoing violations are discussed further below.

A. Folsom Has Discharged Storm Water Containing Pollutants in Violation of the Permit.

Folsom has discharged and continues to discharge storm water with unacceptable levels of Aluminum (Al), Iron (Fe), Zinc (Zn), Nitrate + Nitrite Nitrogen (N+N), pH, Copper (Cu), Beryllium (Be), Total Suspended Solids (TSS), Specific Conductance (SC) in violation of the General Permit. These high pollutant levels have been documented during significant rain events, including the rain events indicated in the table of rain data attached hereto as Attachment A. Folsom's Annual Reports and Sampling and Analysis Results confirm discharges of materials other than storm water and specific pollutants in violation of the Permit provisions listed above. Self-monitoring reports under the Permit

are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Industrial Storm Water Permit:

1. Discharge of Storm Water Containing Aluminum (Al) at Concentration in Excess of Applicable EPA Benchmark Value.

Date	Discharge Point	Parameter	Concentration in Discharge	Benchmark Value
3/13/2012	A2	Al	2.64 mg/L	0.75 mg/L
3/13/2012	C1	Al	4.28 mg/L	0.75 mg/L
3/13/2012	C3	Al	6.63 mg/L	0.75 mg/L
3/13/2012	D	Al	1.56 mg/L	0.75 mg/L
3/6/2012	A1	Al	1.2 mg/L	0.75 mg/L
3/6/2012	A2	Al	0.777 mg/L	0.75 mg/L
3/6/2012	C1	Al	3.0 mg/L	0.75 mg/L
3/6/2012	C3	Al	8.93 mg/L	0.75 mg/L
2/14/2011	A1	Al	2.29 mg/L	0.75 mg/L
2/14/2011	C3	Al	1.15 mg/L	0.75 mg/L
1/13/2011	A1	Al	2.75 mg/L	0.75 mg/L
1/13/2011	B	Al	16.4 mg/L	0.75 mg/L
1/13/2011	C3	Al	3.74 mg/L	0.75 mg/L
1/13/2011	D	Al	1.82 mg/L	0.75 mg/L
11/20/2009	A2	Al	1.7 mg/L	0.75 mg/L

11/20/2009	C1	Al	1.0 mg/L	0.75 mg/L
11/20/2009	C3	Al	0.8 mg/L	0.75 mg/L
10/19/2009	A2	Al	2.2 mg/L	0.75 mg/L
10/19/2009	C1	Al	2.0 mg/L	0.75 mg/L
10/19/2009	C3	Al	1.1 mg/L	0.75 mg/L

2. Discharge of Storm Water Containing Iron (Fe) at Concentration in Excess of Applicable EPA Benchmark Value.

Date	Discharge Point	Parameter	Concentration in Discharge	Benchmark Value
3/13/2012	A2	Fe	2.73 mg/L	1.0 mg/L
3/13/2012	C1	Fe	4.63 mg/L	1.0 mg/L
3/13/2012	C3	Fe	6.15 mg/L	1.0 mg/L
3/13/2012	D	Fe	1.41 mg/L	1.0 mg/L
3/6/2012	A1	Fe	1.14 mg/L	1.0 mg/L
3/6/2012	A2	Fe	1.02 mg/L	1.0 mg/L
3/6/2012	C1	Fe	3.58 mg/L	1.0 mg/L
3/6/2012	C3	Fe	8.86 mg/L	1.0 mg/L
2/14/2011	A1	Fe	2.43 mg/L	1.0 mg/L
2/14/2011	C3	Fe	1.23 mg/L	1.0 mg/L
1/13/2011	A1	Fe	3.43 mg/L	1.0 mg/L
1/13/2011	B	Fe	18.6 mg/L	1.0 mg/L

1/13/2011	C3	Fe	4.42 mg/L	1.0 mg/L
1/13/2011	D	Fe	2.37 mg/L	1.0 mg/L
11/20/2009	A2	Fe	2.3 mg/L	1.0 mg/L
11/20/2009	C1	Fe	2.7 mg/L	1.0 mg/L
11/20/2009	C3	Fe	1.1 mg/L	1.0 mg/L
10/19/2009	A2	Fe	2.8 mg/L	1.0 mg/L
10/19/2009	C1	Fe	5.5 mg/L	1.0 mg/L
10/19/2009	C3	Fe	1.8 mg/L	1.0 mg/L

3. Discharge of Storm Water Containing Zinc (Zn) at Concentration in Excess of Applicable EPA Benchmark Value.

Date	Discharge Point	Parameter	Concentration in Discharge	Benchmark Value
3/13/2012	A2	Zn	0.603 mg/L	0.117 mg/L
3/13/2012	B	Zn	0.155 mg/L	0.117 mg/L
3/13/2012	C1	Zn	0.304 mg/L	0.117 mg/L
3/13/2012	C3	Zn	0.35 mg/L	0.117 mg/L
3/6/2012	A2	Zn	0.297 mg/L	0.117 mg/L
3/6/2012	C1	Zn	0.267 mg/L	0.117 mg/L
3/6/2012	C3	Zn	0.325 mg/L	0.117 mg/L
2/14/2011	A2	Zn	0.526 mg/L	0.117 mg/L
2/14/2011	B	Zn	0.118 mg/L	0.117 mg/L

2/14/2011	C1	Zn	0.432 mg/L	0.117 mg/L
1/13/2011	A1	Zn	0.135 mg/L	0.117 mg/L
1/13/2011	A2	Zn	0.129 mg/L	0.117 mg/L
1/13/2011	B	Zn	0.783 mg/L	0.117 mg/L
1/13/2011	C1	Zn	0.155 mg/L	0.117 mg/L
1/13/2011	C3	Zn	0.129 mg/L	0.117 mg/L
11/20/2009	A2	Zn	0.45 mg/L	0.117 mg/L
11/20/2009	B	Zn	0.15 mg/L	0.117 mg/L
11/20/2009	C1	Zn	0.20 mg/L	0.117 mg/L
10/19/2009	A2	Zn	0.76 mg/L	0.117 mg/L
10/19/2009	C1	Zn	0.45 mg/L	0.117 mg/L
10/19/2009	C3	Zn	0.19 mg/L	0.117 mg/L
4/24/2009	A2	Zn	3.1 mg/L	0.117 mg/L
4/24/2009	C1	Zn	0.13 mg/L	0.117 mg/L

4. Discharge of Storm Water Containing Nitrate + Nitrite Nitrogen (N+N) at Concentration in Excess of Applicable EPA Benchmark Value.

Date	Discharge Point	Parameter	Concentration in Discharge	Benchmark Value
3/13/2012	A1	N+N	3.85 mg/L	0.68 mg/L
3/13/2012	B	N+N	2.0 mg/L	0.68 mg/L

3/13/2012	C1	N+N	1.43 mg/L	0.68 mg/L
3/13/2012	C3	N+N	1.46 mg/L	0.68 mg/L
3/13/2012	D	N+N	4.63 mg/L	0.68 mg/L
3/6/2012	A1	N+N	3.11 mg/L	0.68 mg/L
3/6/2012	B	N+N	1.71 mg/L	0.68 mg/L
3/6/2012	C1	N+N	0.81 mg/L	0.68 mg/L
3/6/2012	C3	N+N	1.21 mg/L	0.68 mg/L
3/6/2012	D	N+N	4.0 mg/L	0.68 mg/L
2/14/2011	A1	N+N	3.39 mg/L	0.68 mg/L
2/14/2011	B	N+N	1.07 mg/L	0.68 mg/L
2/14/2011	C1	N+N	0.8 mg/L	0.68 mg/L
2/14/2011	C3	N+N	0.83 mg/L	0.68 mg/L
2/14/2011	D	N+N	2.21 mg/L	0.68 mg/L
1/13/2011	A1	N+N	2.5 mg/L	0.68 mg/L
1/13/2011	B	N+N	1.21 mg/L	0.68 mg/L
1/13/2011	D	N+N	1.25 mg/L	0.68 mg/L
11/20/2009	A1	N+N	2.0 mg/L	0.68 mg/L
11/20/2009	A2	N+N	1.3 mg/L	0.68 mg/L
11/20/2009	B	N+N	0.71 mg/L	0.68 mg/L
11/20/2009	C1	N+N	1.4 mg/L	0.68 mg/L

11/20/2009	D	N+N	5.3 mg/L	0.68 mg/L
10/19/2009	A1	N+N	1.9 mg/L	0.68 mg/L
10/19/2009	A2	N+N	1.4 mg/L	0.68 mg/L
10/19/2009	B	N+N	0.77 mg/L	0.68 mg/L
10/19/2009	C1	N+N	1.8 mg/L	0.68 mg/L
10/19/2009	D	N+N	4.4 mg/L	0.68 mg/L
10/19/2009	C3	N+N	2.1 mg/L	0.68 mg/L
4/24/2009	A1	N+N	3.6 mg/L	0.68 mg/L
4/24/2009	A2	N+N	3.9 mg/L	0.68 mg/L
4/24/2009	C1	N+N	1.9 mg/L	0.68 mg/L
4/24/2009	D	N+N	6.2 mg/L	0.68 mg/L
2/5/2009	A1	N+N	2.7 mg/L	0.68 mg/L
2/5/2009	A2	N+N	4.4 mg/L	0.68 mg/L
2/5/2009	D	N+N	6.4 mg/L	0.68 mg/L

5. Discharge of Storm Water Containing Total Suspended Solids (TSS) at Concentration in Excess of Applicable EPA Benchmark Value.

Date	Discharge Point	Parameter	Concentration in Discharge	Benchmark Value
3/13/2012	C3	TSS	126 mg/L	100 mg/L
3/6/2012	C3	TSS	221 mg/L	100 mg/L

1/13/2011	B	TSS	359 mg/L	100 mg/L

6. Discharge of Storm Water Containing pH at Concentration in Excess of Applicable EPA Benchmark Value.

Date	Discharge Point	Parameter	Concentration in Discharge	Benchmark Value
4/24/2009	A2	pH	5.58 s.u.	6.0 – 9.0 s.u.

7. Discharge of Storm Water Containing Copper (Cu) at Concentration in Excess of Applicable EPA Benchmark Value.

Date	Discharge Point	Parameter	Concentration in Discharge	Benchmark Value
1/13/2011	B	Cu	0.179 mg/L	0.0636 mg/L
10/19/2009	A2	Cu	0.079 mg/L	0.0636 mg/L
10/19/2009	C1	Cu	0.065 mg/L	0.0636 mg/L
4/24/2009	A2	Cu	0.18 mg/L	0.0636 mg/L
4/24/2009	C1	Cu	0.13 mg/L	0.0636 mg/L

8. Discharge of Storm Water Containing Beryllium (Be) at Concentration in Excess of Applicable EPA Benchmark Value.

Date	Discharge Point	Parameter	Concentration in Discharge	Benchmark Value
4/24/2009	D	Be	0.14 mg/L	0.13 mg/L

9. Discharge of Storm Water Containing Specific Conductance (SC) at Concentration in Excess of Proposed EPA Benchmark Value.

Date	Discharge Point	Parameter	Concentration in Discharge	Proposed Benchmark Value
3/13/2012	A1	SC	345 mg/L	200 mg/L
3/13/2012	B	SC	228 mg/L	200 mg/L
3/13/2012	D	SC	380 mg/L	200 mg/L
3/6/2012	A1	SC	300 mg/L	200 mg/L
3/6/2012	B	SC	206 mg/L	200 mg/L
3/6/2012	C1	SC	244 mg/L	200 mg/L
3/6/2012	D	SC	405 mg/L	200 mg/L
2/14/2011	A1	SC	284 mg/L	200 mg/L
2/14/2011	B	SC	261 mg/L	200 mg/L
2/14/2011	D	SC	226 mg/L	200 mg/L
1/13/2011	B	SC	242 mg/L	200 mg/L
1/13/2011	D	SC	405 mg/L	200 mg/L
11/20/2009	A1	SC	220 mg/L	200 mg/L
11/20/2009	B	SC	360 mg/L	200 mg/L
11/20/2009	D	SC	370 mg/L	200 mg/L
10/19/2009	A1	SC	320 mg/L	200 mg/L
10/19/2009	B	SC	290 mg/L	200 mg/L

10/19/2009	C1	SC	440 mg/L	200 mg/L
10/19/2009	D	SC	400 mg/L	200 mg/L
4/24/2009	A1	SC	310 mg/L	200 mg/L
4/24/2009	A2	SC	840 mg/L	200 mg/L
4/24/2009	B	SC	290 mg/L	200 mg/L
4/24/2009	C1	SC	310 mg/L	200 mg/L
4/24/2009	D	SC	450 mg/L	200 mg/L
2/5/2009	A1	SC	260 mg/L	200 mg/L
2/5/2009	A2	SC	320 mg/L	200 mg/L
2/5/2009	B	SC	310 mg/L	200 mg/L
2/5/2009	C1	SC	320 mg/L	200 mg/L
2/5/2009	C3	SC	400 mg/L	200 mg/L

CSPA's investigation, including its review of Folsom's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of EPA's benchmark value for Aluminum (Al), Iron (Fe), Zinc (Zn), Nitrate + Nitrite Nitrogen (N+N), pH, Copper (Cu), Beryllium (Be) and Total Suspended Solids (TSS) and the proposed benchmark value for Specific Conductance (SC) indicates that Folsom has not implemented BAT and BCT at the Facility for its discharges of Aluminum (Al), Iron (Fe), Zinc (Zn), Nitrate + Nitrite Nitrogen (N+N), pH, Copper (Cu), Beryllium (Be), Total Suspended Solids (TSS), Specific Conductance (SC) and other pollutants, in violation of Effluent Limitation B(3) of the General Permit. Folsom was required to have implemented BAT and BCT by no later than October 1, 1992 or the start of its operations. Thus, Folsom is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

CSPA is informed and believes that Folsom has known that its storm water contains pollutants at levels exceeding EPA Benchmarks and other water quality criteria since at least February 8, 2008. CSPA alleges that such violations also have occurred and

will occur on other rain dates, including during every single significant rain event that has occurred since February 8, 2008, and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CSPA alleges that Folsom has discharged storm water containing impermissible levels of Aluminum (Al), Iron (Fe), Zinc (Zn), Nitrate + Nitrite (N+N), pH, Copper (Cu), Beryllium (Be), Total Suspended Solids (TSS), Specific Conductance (SC) and other unmonitored pollutants in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit.

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any pollutants from the Facility without the implementation of BAT/BCT constitutes a separate violation of the General Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Folsom is subject to penalties for violations of the General Permit and the Act since February 8, 2008.

B. Folsom Has Failed to Implement an Adequate Monitoring & Reporting Plan.

Section B of the General Industrial Storm Water Permit requires that dischargers develop and implement an adequate Monitoring and Reporting Plan by no later than October 1, 1992 or the start of operations. Sections B(3), B(4) and B(7) require that dischargers conduct regularly scheduled visual observations of non-storm water and storm water discharges from the Facility and to record and report such observations to the Regional Board. Section B(5)(a) of the General Permit requires that dischargers "shall collect storm water samples during the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event in the wet season. All storm water discharge locations shall be sampled." Section B(5)(c)(i) further requires that the samples shall be analyzed for total suspended solids, pH, specific conductance, and total organic carbon. Oil and grease may be substituted for total organic carbon. Section B(5)(c)(ii) of the General Permit further requires dischargers to analyze samples for all "[t]oxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities." Section B(10) of the General Permit provides that "facility operators shall explain how the facility's monitoring program will satisfy the monitoring program objectives of [General Permit] Section B.2."

Based on its investigation, CSPA is informed and believes that Folsom has failed to develop and implement an adequate Monitoring & Reporting Plan. First, based on its review of publicly available documents, CSPA is informed and believes that Folsom has failed to collect storm water samples during at least two qualifying storms events, as defined by the General Permit, during the past five Wet Seasons. Second, based on its review of publicly available documents, CSPA is informed and believes that Folsom has failed to conduct the monthly visual monitoring of storm water discharges and the quarterly visual observations of unauthorized non-storm water discharges required under

the General Permit during the past five Wet Seasons. Third, based on its review of publicly available documents, CSPA is informed and believes that Folsom has failed to collect storm water samples from the first storm of the Wet Season that produced a discharge during scheduled Facility operating hours during the past five years. Each of these failures constitutes a separate and ongoing violation of the General Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Folsom is subject to penalties for violations of the General Industrial Storm Water Permit and the Act since February 8, 2008. These violations are set forth in greater detail below:

1. Folsom Has Failed to Collect Storm Water Samples During at Least Two Qualifying Rain Events In Each of the Last Five Years.

Section B(5) of the General Industrial Storm Water Permit requires facility operators to collect storm water samples from "[a]ll storm water discharge locations" during at least two qualifying storm events each wet season. General Permit § B(5)(a). Based on its review of publicly available documents, CSPA is informed and believes that Folsom has failed to collect storm water samples during at least two qualifying rain events at the Facility during each of the past five years, as required by the General Permit. For example, CSPA notes that Folsom reported in its 2009-2010 Annual Report that it collected storm water discharge samples from two qualifying storm events when in fact it only collected storm water discharge from one qualifying storm event. This failure to adequately monitor storm water discharges constitutes separate and ongoing violations of the General Permit and the Act.

Further, it is likely that Folsom did not sample the first storm of the season during most of the last five Wet Seasons. For example, Folsom's first sample from the 2011-2012 Wet Season is from March 6, 2012. Based upon its review of publicly available rainfall data, CSPA is informed and believes that the first storm of the 2011-2012 Wet Season occurred as early as Tuesday, October 4, 2011, when 0.2" of rain fell on the Facility.

Folsom's failure to conduct this required sampling extends back to at least February 8, 2008. Folsom's failure to conduct this required sampling has caused and continues to cause multiple, separate and ongoing violations of the General Permit and the Act.

2. Folsom Has Failed to Conduct the Monthly Wet Season Observations of Storm Water Discharges Required by the General Permit.

The General Permit requires dischargers to "visually observe storm water discharges from one storm event per month during the wet season (October 1 – May 30)." General Permit, Section B(4)(a). The General Permit requires that the annual reports filed by Folsom at the Regional Board document these required visual observations on

Form 4 Monthly Visual Inspections. Based upon its review of publicly available historical precipitation records for the Represa area, CSPA is informed and believes that Folsom failed to conduct the required monthly visual monitoring of storm water discharges because on many of the dates that Folsom reported having observed storm water discharges, local precipitation records indicate that the storm was not a qualifying storm event. General Permit Section B(4)(b) provides that monthly visual observations of qualifying storm events are "required of storm water discharges that occur during daylight hours that are preceded by at least three (3) working days without storm water discharges and that occur during scheduled operating hours." Many of the dates that Folsom reported having conducted monthly visual observations of storm water discharges are invalid because such observations occurred during storm events that were *not* preceded by at least three days without storm water discharging from the Facility.

Folsom's failure to conduct this required monthly Wet Season visual monitoring extends back to at least February 8, 2008. Folsom's failure to conduct this required monthly Wet Season visual monitoring has caused and continues to cause multiple, separate and ongoing violations of the General Permit and the Act.

3. Folsom Has Failed to Collect Storm Water Samples From Each Discharge Point During at Least Two Rain Events In Each of the Last Five Years.

Section B(5) of the General Industrial Storm Water Permit requires facility operators to collect storm water samples from "[a]ll storm water discharge locations" during at least two qualifying storm events each wet season. General Permit § B(5)(a). CSPA is informed and believes that Folsom has failed to collect storm water samples from all discharge points during at least two qualifying rain events at the Facility during the past five years, as required by the General Permit.

Folsom's failure to conduct this required sampling extends back to at least February 8, 2008. Folsom's failure to conduct this required sampling has caused and continues to cause multiple, separate and ongoing violations of the General Permit and the Act.

4. Folsom Is Subject to Penalties for Its Failure to Implement an Adequate Monitoring & Reporting Plan Since February 8, 2008.

CSPA is informed and believes that publicly available documents demonstrate Folsom's consistent and ongoing failure to implement an adequate Monitoring Reporting Plan in violation of Section B of the General Permit. Folsom's above-described failures to sample at least two qualifying storm events in the last five years or report monthly visual observations of storm water discharge are not the Facility's only violations of the

General Permit's monitoring and reporting requirements, they are merely examples of some of Folsom's violations of the General Permit.

Additionally, Folsom is in violation of the General Permit's requirement that the testing method employed in laboratory analyses of pollutant concentrations present in storm water discharged from the Facility be "adequate to satisfy the objectives of the monitoring program." General Permit Section B.10.a.iii. The Regional Board has determined appropriate tests and detection limits that should be applied when testing for pollutant parameters.

However, as demonstrated by Folsom's annual report filed in 2011-2012, the laboratory employed by Folsom to analyze the storm water sample collected for both samples applied an inappropriate lab method of EPA 6010B for aluminum, instead of EPA 200.8. Further, the laboratory applied an inappropriately high detection limit of .05 mg/L for aluminum, instead of the appropriate detection level of 0.0005 mg/L. In fact, Folsom used an inappropriate analysis method and detection limit for most parameters in all five of the last Annual Reports.

Folsom is in violation of the General Permit for failing to employ laboratory test methods and detection limits that are adequate to, among other things, "ensure that storm water discharges are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in this General Permit." General Permit Section B.2.a. ("Monitoring Program Objectives").

Accordingly, consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Folsom is subject to penalties for these violations of the General Permit and the Act since February 8, 2008.

C. Folsom Has Failed to Implement BAT and BCT.

Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). CSPA's investigation indicates that Folsom has not implemented BAT and BCT at the Facility for its discharges of Chemical Oxygen Demand (COD), Biological Oxygen Demand (BOD), Oil and Grease (O&G), Total Suspended Solids (TSS) and Specific Conductance (SC) and other unmonitored pollutants in violation of Effluent Limitation B(3) of the General Permit.

To meet the BAT/BCT requirement of the General Permit, Folsom must evaluate all pollutant sources at the Facility and implement the best structural and non-structural management practices economically achievable to reduce or prevent the discharge of pollutants from the Facility. Based on the limited information available regarding the

internal structure of the Facility, CSPA believes that at a minimum Folsom must improve its housekeeping practices, store materials that act as pollutant sources under cover or in contained areas, treat storm water to reduce pollutants before discharge (e.g., with filters or treatment boxes), and/or prevent storm water discharge altogether. Folsom has failed to adequately implement such measures.

Folsom was required to have implemented BAT and BCT by no later than October 1, 1992. Therefore, Folsom has been in continuous violation of the BAT and BCT requirements every day since October 1, 1992, and will continue to be in violation every day that it fails to implement BAT and BCT. Folsom is subject to penalties for violations of the General Permit and the Act occurring since February 8, 2008.

D. Folsom Has Failed to Develop and Implement an Adequate Storm Water Pollution Prevention Plan.

Section A(1) and Provision E(2) of the General Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate storm water pollution prevention plan ("SWPPP") no later than October 1, 1992. Section A(1) and Provision E(2) requires dischargers who submitted an NOI pursuant to Water Quality Order No. 97-03-DWQ to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 9, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices ("BMPs") to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must also include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must include: a description of individuals and their responsibilities for developing and implementing the SWPPP (General Permit, Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (General Permit, Section A(4)); a list of significant materials handled and stored at the site (General Permit, Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water

discharges, including structural BMPs where non-structural BMPs are not effective (General Permit, Section A(7), (8)). The SWPPP must be evaluated to ensure effectiveness and must be revised where necessary (General Permit, Section A(9),(10)). Receiving Water Limitation C(3) of the Order requires that dischargers submit a report to the appropriate Regional Water Board that describes the BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce the discharge of any pollutants causing or contributing to the exceedance of water quality standards.

CSPA's investigation and review of available documents regarding conditions at the Facility indicate that Folsom has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. Folsom has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. Accordingly, Folsom has been in continuous violation of Section A(1) and Provision E(2) of the General Permit every day since October 1, 1992, and will continue to be in violation every day that it fails to develop and implement an effective SWPPP. Folsom is subject to penalties for violations of the Order and the Act occurring since February 8, 2008.

E. Folsom Has Failed to Address Discharges Contributing to Exceedances of Water Quality Standards.

Receiving Water Limitation C(3) requires a discharger to prepare and submit a report to the Regional Board describing changes it will make to its current BMPs in order to prevent or reduce the discharge of any pollutant in its storm water discharges that is causing or contributing to an exceedance of water quality standards. Once approved by the Regional Board, the additional BMPs must be incorporated into the Facility's SWPPP. The report must be submitted to the Regional Board no later than 60-days from the date the discharger first learns that its discharge is causing or contributing to an exceedance of an applicable water quality standard. Receiving Water Limitation C(4)(a). Section C(11)(d) of the Permit's Standard Provisions also requires dischargers to report any noncompliance. *See also* Provision E(6). Lastly, Section A(9) of the Permit requires an annual evaluation of storm water controls including the preparation of an evaluation report and implementation of any additional measures in the SWPPP to respond to the monitoring results and other inspection activities.

As indicated above, Folsom is discharging elevated levels of Aluminum (Al), Iron (Fe), Zinc (Zn), Nitrate + Nitrite Nitrogen (N+N), pH, Copper (Cu), Beryllium (Be), Total Suspended Solids (TSS) and Specific Conductance (SC) and other unmonitored pollutants that are causing or contributing to exceedances of applicable water quality standards. For each of these pollutant exceedances, Folsom was required to submit a report pursuant to Receiving Water Limitation C(4)(a) within 60-days of becoming aware of levels in its storm water exceeding the EPA Benchmarks and applicable water quality standards.

Based on CSPA's review of available documents, Folsom was aware of high levels of these pollutants prior to February 8, 2008. Likewise, Folsom has generally failed to file reports describing its noncompliance with the General Permit in violation of Section C(11)(d). Lastly, the SWPPP and accompanying BMPs do not appear to have been altered as a result of the annual evaluation required by Section A(9). Folsom has been in continuous violation of Receiving Water Limitation C(4)(a) and Sections C(11)(d) and A(9) of the General Permit every day since February 8, 2008, and will continue to be in violation every day it fails to prepare and submit the requisite reports, receives approval from the Regional Board and amends its SWPPP to include approved BMPs. Folsom is subject to penalties for violations of the General Permit and the Act occurring since February 8, 2008.

F. Folsom Has Failed to File Timely, True and Correct Reports.

Section B(14) of the General Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9), (10). Section A(9)(d) of the General Permit requires the discharger to include in their annual report an evaluation of their storm water controls, including certifying compliance with the General Industrial Storm Water Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

Based upon its review of publicly available documents, CSPA is informed and believes that Folsom has submitted late, incomplete and/or false Annual Reports and purported to comply with the General Permit despite significant noncompliance at the Facility. For example, Folsom reported in its 2009-2010 Annual Report that it collected storm water discharge samples during two qualifying storm events. However, based on CSPA's review of publically available rainfall data, CSPA believes that is not true.

In its 2009-2010 Annual Report, Folsom reported having collected storm water discharge samples during a qualifying storm event at the Facility on November 20, 2009. However, publicly available precipitation data for Represa demonstrates that it rained at least 0.08" in Represa two days prior to November 20, 2009. CSPA believes that 0.08" of rain falling on the Facility on any given day would cause storm water to discharge from the Facility because Folsom sampled a storm event during which 0.08" of rain fell on the Facility on October 16, 2007. Accordingly, because storm water discharged from the Facility two days prior, the storm that occurred at the Facility on November 20, 2009 was likely rendered a non-qualifying storm event.

Additionally, Folsom reported in its 2011-2012 Annual Report that it collected storm water discharge samples and conducted its required monthly visual observation of storm water discharges on January 20, 2012. However, publicly available rainfall data for Represa demonstrates that the storm event on this date was not a qualifying storm event. Specifically, on January 20, 2012 rain data indicates that 1.28" of rain fell on the Facility, but 0.2" of rain fell on the Facility one day prior, on January 19, 2012. The

storm event on January 19, 2012 likely makes the storm event on January 20, 2012 not a qualifying storm event.

These are only a few examples of how Folsom has failed to file completely true and accurate reports. As indicated above, Folsom has failed to comply with the General Permit and the Act consistently for at least the past five years; therefore, Folsom has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Permit every time Folsom submitted an incomplete or incorrect annual report that falsely certified compliance with the Act in the past years. Folsom's failure to submit true and complete reports constitutes continuous and ongoing violations of the Permit and the Act. Folsom is subject to penalties for violations of Section (C) of the General Permit and the Act occurring since February 4, 2008.

IV. Persons Responsible for the Violations.

CSPA puts California Department of Corrections & Rehabilitation, Joseph Franz, Jeffrey Beard, Michael E. Knowles and Nancy Spong under on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts California Department of Corrections & Rehabilitation, Joseph Franz, Jeffrey Beard, Michael E. Knowles and Nancy Spong on notice that it intends to include those persons in this action.

V. Name and Address of Noticing Party.

Our name, address and telephone number is as follows: California Sportfishing Protection Alliance, Bill Jennings, Executive Director; 3536 Rainier Avenue, Stockton, CA 95204; Phone: (209) 464-5067.

VI. Counsel.

CSPA has retained legal counsel to represent it in this matter. Please direct all communications to:

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Emily J. Brand
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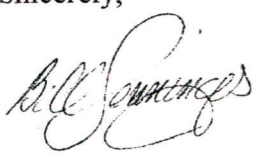
VII. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act California Department of Corrections & Rehabilitation, Joseph Franz, Jeffrey Beard, Michael E. Knowles and Nancy Spong to a penalty of up to $32,500 per day per violation for all violations occurring after March 15, 2004, and $37,500 per day per violation for all violations occurring after January 12, 2009, during the period commencing five years prior to the date of this Notice of Violations and Intent to File Suit. In addition to civil penalties, CSPA will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. §1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CSPA believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. We intend to file a citizen suit under Section 505(a) of the Act against California Department of Corrections & Rehabilitation, Joseph Franz, Jeffrey Beard, Michael E. Knowles and Nancy Spong and their agents for the above-referenced violations upon the expiration of the 60-day notice period. If you wish to pursue remedies in the absence of litigation, we suggest that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Bill Jennings, Executive Director
California Sportfishing Protection Alliance

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ATTACHMENT A

Notice of Intent to File Suit, California Department of Corrections (Represa, CA)
Significant Rain Events,* February 8, 2008 – February 8, 2013

Feb.	02	2008	Dec.	07	2009	Dec.	04	2010	Oct.	06	2011
Feb.	03	2008	Dec.	11	2009	Dec.	05	2010	Oct.	10	2011
Feb.	19	2008	Dec.	12	2009	Dec.	06	2010	Nov.	05	2011
Feb.	20	2008	Dec.	13	2009	Dec.	08	2010	Nov.	20	2011
Feb.	21	2008	Dec.	21	2009	Dec.	14	2010	Nov.	24	2011
Feb.	22	2008	Dec.	27	2009	Dec.	17	2010	Dec.	15	2011
Feb.	23	2008	Jan.	08	2010	Dec.	18	2010	Jan.	19	2012
Feb.	24	2008	Jan.	12	2010	Dec.	19	2010	Jan.	20	2012
Mar.	28	2008	Jan.	13	2010	Dec.	22	2010	Jan.	21	2012
Apr.	23	2008	Jan.	17	2010	Dec.	25	2010	Jan.	22	2012
Oct.	31	2008	Jan.	18	2010	Dec.	26	2010	Jan.	23	2012
Nov.	26	2008	Jan.	19	2010	Dec.	28	2010	Feb.	01	2012
Dec.	08	2008	Jan.	20	2010	Dec.	29	2010	Feb.	13	2012
Dec.	14	2008	Jan.	21	2010	Jan.	01	2011	Feb.	29	2012
Dec.	15	2008	Jan.	22	2010	Jan.	02	2011	Feb.	29	2012
Dec.	16	2008	Jan.	25	2010	Jan.	13	2011	Mar.	01	2012
Dec.	21	2008	Feb	04	2010	Jan.	29	2011	Mar.	13	2012
Dec.	24	2008	Feb	05	2010	Jan.	30	2011	Mar.	14	2012
Dec.	25	2008	Feb.	06	2010	Feb.	15	2011	Mar.	15	2012
Jan.	02	2009	Feb.	08	2010	Feb.	16	2011	Mar.	16	2012
Jan.	22	2009	Feb.	09	2010	Feb.	17	2011	Mar.	17	2012
Jan.	23	2009	Feb.	23	2010	Feb.	18	2011	Mar.	18	2012
Jan.	24	2009	Feb.	24	2010	Feb.	19	2011	Mar.	25	2012
Feb.	06	2009	Feb.	26	2010	Feb.	24	2011	Mar.	27	2012
Feb.	08	2009	Feb.	27	2010	Feb.	25	2011	Mar.	28	2012
Feb.	06	2009	Mar.	02	2010	Mar.	02	2011	Mar.	21	2012
Feb.	11	2009	Mar.	03	2010	Mar.	06	2011	April	03	2012
Feb.	12	2009	Mar.	10	2010	Mar.	13	2011	April	04	2012
Feb.	13	2009	Mar.	12	2010	Mar.	14	2011	April	11	2012
Feb.	14	2009	Mar.	25	2010	Mar.	15	2011	April	12	2012
Feb.	15	2009	Mar.	30	2010	Mar.	16	2011	April	13	2012
Feb.	16	2009	Mar.	31	2010	Mar.	18	2011	April	25	2012
Feb.	17	2009	April	02	2010	Mar.	19	2011	April	26	2012
Feb.	22	2009	April	04	2010	Mar.	20	2011	Oct.	09	2012
Feb.	23	2009	April	05	2010	Mar.	21	2011	Oct.	22	2012
Feb.	26	2009	April	11	2010	Mar.	23	2011	Oct.	23	2012
Mar.	01	2009	April	12	2010	Mar.	24	2011	Nov	01	2012
Mar.	02	2009	April	20	2010	Mar.	25	2011	Nov	08	2012
Mar.	03	2009	April	21	2010	Mar.	26	2011	Nov	09	2012
Mar.	04	2009	April	27	2010	Apr	19	2011	Nov	17	2012
Mar.	22	2009	May	10	2010	Apr	21	2011	Nov	18	2012
Apr.	07	2009	May	25	2010	Apr	25	2011	Nov	20	2012
Apr.	08	2009	May	16	2010	May	09	2011	Nov	21	2012
Apr.	09	2009	May	27	2010	May	15	2011	Nov	28	2012
Apr.	10	2009	Oct.	17	2010	May	17	2011	Nov	29	2012
May	01	2009	Oct.	23	2010	May	25	2011	Nov	30	2012
May	02	2009	Oct.	24	2010	May	28	2011	Dec	01	2012
May	03	2009	Oct.	30	2010	May	29	2011	Dec	02	2012
May	04	2009	Nov.	07	2010	Jun	01	2011	Dec	05	2012
May	05	2009	Nov.	19	2010	Jun	04	2011	Dec	11	2012
May	20	2009	Nov.	20	2010	Jun	06	2011	Dec	17	2012
Oct.	13	2009	Nov.	23	2010	Jun	28	2011	Dec	21	2012
Nov.	18	2009	Nov.	27	2010	Oct.	04	2011	Dec	22	2012
Nov.	20	2009	Dec.	02	2010	Oct.	05	2011	Dec	23	2012

* Dates gathered from publicly available rain and weather data collected at stations located near the Facility.

ATTACHMENT A

Notice of Intent to File Suit, California Department of Corrections (Represa, CA)
Significant Rain Events,* February 8, 2008 – February 8, 2013

Dec	25	2012
Dec	26	2012
Jan	06	2012
Jan	09	2012
Jan	24	2012
Jan	25	2012

* Dates gathered from publicly available rain and weather data collected at stations located near the Facility.